

14-275 HORNE V. DEPT. OF AGRICULTURE

DECISION BELOW: 750 F.3d 1128

LOWER COURT CASE NUMBER: 10-15270

QUESTION PRESENTED:

The questions presented by this petition are:

1. Whether the government's "categorical duty" under the Fifth Amendment to pay just compensation when it "physically takes possession of an interest in property," *Arkansas Game & Fish Comm'n v. United States*, 133 S. Ct. 511, 518 (2012), applies only to real property and not to personal property.
2. Whether the government may avoid the categorical duty to pay just compensation for a physical taking of property by reserving to the property owner a contingent interest in a portion of the value of the property, set at the government's discretion.
3. Whether a governmental mandate to relinquish specific, identifiable property as a "condition" on permission to engage in commerce effects a per se taking.

CERT. GRANTED 1/16/2015